

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF)	
COMTECH 21, LLC FOR A CERTIFICATE OF)	CASE NO. CME-T-04-1
PUBLIC CONVENIENCE AND NECESSITY TO)	
PROVIDE LOCAL EXCHANGE)	
TELECOMMUNICATIONS SERVICES.)	ORDER NO. 29585
)	

On February 12, 2004, Comtech 21, LLC ("Comtech 21" or "Company") filed an Application for a Certificate of Public Convenience and Necessity to resell and provide facilities-based local exchange services throughout the State of Idaho. In the Notice of Application and Modified Procedure issued July 26, 2004, the Commission solicited comments regarding Comtech 21's Application. Order No. 29548. No comments were received other than those submitted by Commission Staff. Based on the comments, the law and the record, the Commission grants Comtech 21's Application.

THE APPLICATION

According to its Application, Comtech 21 intends to provide resold and facilities-based local exchange service utilizing the unbundled network element platforms ("UNE-P"). Such services will be provided by utilizing the facilities of incumbent local exchange carriers ("LECs") Qwest North, Qwest South, and Verizon, as well as unbundled network elements. However, the Company does not intend to service areas serviced by any LECs that are eligible for a small or rural carrier exemption pursuant to Section 251 of the federal Telecom Act of 1996. Although it had not initiated interconnection or resale negotiations at the time of its Application, Comtech 21 intends to provide service upon certification and finalization of interconnection agreements with the LECs.

The Company has no current plans to install facilities in Idaho but may do so in the future. However, the nature and extent of the facilities to be utilized has yet to be determined. Comtech 21 intends to provide all forms of intrastate local exchange telecommunications services including: 1) local exchange services for business and residential customers that will enable customers to originate and terminate local calls in the local calling area served by other LECs, including local dial tone and custom calling features; 2) switched local exchange services such as flat-rated and measure-rated local services, vertical services, direct inward and outward

dialed trunks, carrier access, public and semi-public coin telephone services, and any other switched local services that currently exist or will exist in the future; 3) non-switched local services (e.g., private line) that currently exist or will exist in the future; 4) Centrex and/or Centrex-like services that currently exist or will exist in the future; and 5) digital subscriber line, ISDN, and other high capacity line services.

Comtech 21 will not require advance payments or deposits. Therefore, no escrow account was filed. Comtech 21 stated that it has reviewed the Commission's laws and regulations applicable to local exchange service providers in Idaho and agrees to provide service in accordance with all laws, rules and regulations to the extent they are not preempted by the federal Act.

STAFF COMMENTS

In its evaluation of the Company's CPCN Application, Staff determined that Comtech 21 is incorporated in the State of Delaware and headquartered in Wallingford, Connecticut. The Company has obtained a Certificate of Authority to transact business as a foreign corporation from Idaho's Secretary of State. Although the Company does not maintain an office in Idaho, it does have a registered in-state agent. Staff reviewed Comtech 21's financials for the period ending September 30, 2003 and believes the Company is solvent. The Company does not propose to require separate deposits at this time. Since the date the Application was filed, Comtech 21 obtained an interconnection agreement with Qwest in Idaho.

Comtech 21 has been granted authority to provide local exchange service in several other states such as Delaware and Ohio, and has an active long distance price list on file with this Commission. Staff has reviewed the Application submitted by Comtech 21, LLC and believes the Company understands and agrees to comply with the Commission's rules and requirements. Based on this review of Comtech 21's Application, Staff believes that the Company's filing has satisfied all the requirements of the Commission's Rules and Procedural Order No. 26665. Therefore, Staff recommends approval of the Application for Certificate of Public Convenience and Necessity.

COMMISSION FINDINGS

Based on the comments, the law and the record, the Commission grants the Application. When considering an application for a Certificate, the Commission must determine if the applicant has the necessary qualifications to provide service while still fostering


competition in the local telecommunications market. Based upon our review of the filing and the record in this case, the Commission finds that Comtech 21's filing satisfies the requirements of the Commission's Rules and Procedural Order No. 26665. *Id.* Thus, we approve Comtech 21's Application for a Certificate of Public Convenience and Necessity to allow the Company to provide telecommunications services statewide. This is consistent with our previous Orders granting statewide authority to provide telecommunications services to carriers meeting the established requirements.

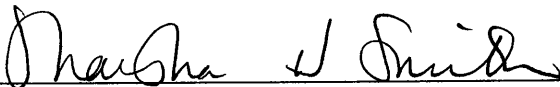
ORDER

IT IS HEREBY ORDERED that Comtech 21, LLC is granted a Certificate of Public Convenience and Necessity to provide basic local exchange services within the state of Idaho.

THIS IS A FINAL ORDER. Any person interested in this Order or in interlocutory Orders previously issued in this case may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order or in interlocutory Orders previously issued in this case. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code* § 61-626.

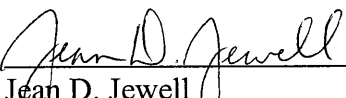
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho, this 3rd
day of September 2004.


PAUL KJELLANDER, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


DENNIS S. HANSEN, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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